

PARKER | DANIELS | KIBORT

July 3, 2023

The Honorable John R. Tunheim  
Judge of District Court  
U.S. District Court  
300 South Fourth Street  
Minneapolis, MN 55415

**Re: *In re: Lindell Management LLC Litigation*  
Court File. No. 23-cv-1433 (JRT/DJF)**

Judge Tunheim:

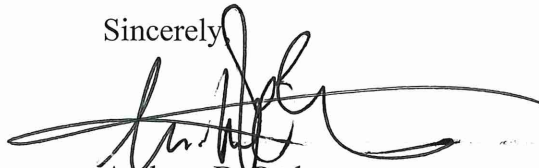
I write regarding Lindell Management LLC's ("Lindell Management") Motion to Dismiss, which was filed with this Court on June 16, 2023.

A panel of arbitrators issued an award against Lindell Management and in favor of Robert Zeidman on April 19, 2023. On May 18, 2023, Lindell Management filed a petition to vacate the arbitration award in state court. *Lindell Management LLC v. Zeidman*, 27-CV-23-7502. The next day, Mr. Zeidman filed a petition in this Court seeking to confirm the arbitration award. In his petition, Mr. Zeidman acknowledged that his counsel was aware of the earlier filed petition to vacate.

On June 12, 2023, Mr. Zeidman filed a notice of removal of the state court case and a request to consolidate the removed action with the later filed federal court action. Lindell Management opposed Mr. Zeidman's consolidation request pursuant to the first-to-file rule seeking to have the later filed federal court action discussed or consolidated into the first filed state court action. On June 22, 2023, the Court made a ruling consolidating the two matters.

In light of the Court's decision, there appears to be no need for my client's Motion, as there is now a single case that will determine the parties' petitions. Lindell Management therefore withdraws its Motion to Dismiss. We have conferred with Mr. Zeidman's Counsel and they do not oppose this withdrawal.

Sincerely,



Andrew D. Parker

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